

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2014-094624

02/09/2016

HONORABLE JAMES D. SMITH

CLERK OF THE COURT
K. Roehl
Deputy

IN RE THE MARRIAGE OF
ROBERT H CURTIS

GERALD D SHERRILL

AND

STEPHANIE ANNE MARIE ELIZABETH
ISHERWOOD

THOMAS A LONGFELLOW

TASC - MESA

**EMERGENCY HEARING HELD
REFERRAL TO TASC**

Courtroom 404 SEF

2:33 p.m. This is the time set for Emergency Hearing on Temporary Orders regarding Petitioner's *Emergency Motion for Temporary Orders (with Notice)* filed January 29, 2016. Petitioner/Father, Robert H. Curtis, is present and represented by above-named counsel, Gerald D. Sherrill. Respondent/Mother, Stephanie Anne Marie Elizabeth Isherwood, is present and represented by above-named counsel, Thomas Longfellow. Dr. David Weinstock is telephonically present.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

The Court has reviewed the case file and the pleadings filed by the parties.

Discussion is held.

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Robert Curtis, Stephanie Isherwood and Dr. David Weinstock are sworn.

Dr. Weinstock now testifies.

Dr. Weinstock is excused.

Robert Curtis, having been previously sworn, now testifies.

Petitioner's exhibits 1 through 14 are received in evidence.

Respondent's exhibits 16, 17, 20 through 22 are received in evidence.

LET THE RECORD REFLECT the parties' previous agreement was for Mother to wear the SCRAM bracelet for six months, ending on March 9, 2016.

IT IS ORDERED Mother shall continue to wear the SCRAM bracelet through April 7, 2016. Mother shall make sure there is nothing obstructing the bracelet. The Court emphasizes that SCRAM detection of alcohol, and destruction of the SCRAM device, or a positive test with TASC almost inevitably is not in the children's best interest and suggests a risk of irreparable injury.

IT IS FURTHER ORDERED that Mother shall undergo random drug testing on the following basis:

- A. Agency. Mother's random drug testing shall be conducted at a location of TASC, Inc., the main office of which is at 2234 North 7th Street, Phoenix, Arizona, 602-254-7328. Other locations are listed on the TASC referral form and may be viewed at www.tascaz.org.
- B. First Test. Mother shall report to TASC no later than 5:00 p.m. today for her first test.
- C. Scope. Mother shall undergo a single drug test (ETG) for each test ordered herein.
- D. Cooperation. Mother shall cooperate fully as reasonably required by the testing agency to comply with this Order, including:
 - 1. Mother shall provide such samples as are reasonably required by the testing agency to comply with this order.

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2. Mother shall timely report for testing and provide samples as directed by the testing agency.
 3. Mother shall present photo identification to the testing agency at the time of each test.
 4. Mother shall sign and deliver such forms of consent, authorization and release of test results as shall be reasonably required by the testing agency to comply with this Order.
- E. Cost. Mother shall pay the cost of her testing (\$11.00 per test) in money order or cashier's check at the time of testing.
- F. Frequency & Duration. Mother shall be randomly tested not less than twice per week. Mother's testing shall terminate on July 8, 2016 providing all test results are negative for ETG.
- G. Positive/Diluted/Missed Test. In the event that Mother tests positive on any test, misses a random test, or provides a diluted test sample on any test, the cycle and frequency of testing set forth in paragraph F above, shall be started again with weekly tests. All parties are advised that the failure, neglect or refusal to participate in testing, or providing a diluted test sample at the time of testing, may be considered an admission by the party that the testing, if properly conducted, would have revealed the use of the substance(s) tested for, which finding is contrary to the best interest of a child. Certain prescription medications may cause a positive drug test result. Parties who are required to drug test are expected to provide proof to the court of prescriptions and documentation from health care providers regarding the lawful possession and use of those medications.
- H. Reporting. The parties are hereby advised that test results ARE NOT confidential and will be filed in the Court file upon receipt by the Court. **The results of each test shall be reported directly to counsel for both parties, or directly to the parties at the addresses provided by the parties to the testing agency, if unrepresented by counsel. The testing agency shall also provide this Court with a Monthly Drug Test Summary Report.**

IT IS FURTHER ORDERED allowing Mother to resume unsupervised parenting time.

There being no further need to retain the exhibits not offered in evidence in the custody of the Clerk of the Court,

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IT IS FURTHER ORDERED that the Clerk permanently release all exhibits not offered in evidence to the counsel/party causing them to be marked, or to their written designee.

IT IS FURTHER ORDERED that counsel/party or written designee take immediate possession of all exhibits referenced above.

IT IS FURTHER ORDERED permanently releasing exhibit 15 to counsel for Petitioner and permanently releasing exhibits 18, 19 and 23 to counsel for Respondent.

3:12 p.m. Matter concludes.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.

FILED: *Exhibit Worksheet*

ISSUED: *Exhibit Release Form (2)*
Court-Ordered Substance Abuse Testing form